

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ANDARIUS FRYE,)	
)	
Plaintiff,)	
)	No. 2:20-cv-02162
)	
v.)	
)	
FLOYD BONNER and SHELBY)	
COUNTY JUSTICE COMPLEX,)	
)	
Defendants.)	

**ORDER DISMISSING CASE,
ASSESSING STRIKE PURSUANT TO 28 U.S.C. 1915(g),
CERTIFYING AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH,
AND NOTIFYING PLAINTIFF OF APPELLATE FILING FEE**

On March 4, 2020, Plaintiff Andarius Frye, who is incarcerated at Shelby County Criminal Justice Center (“SCCJC”), in Memphis, Tennessee under booking number 119110531, filed a *pro se* complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1.)

On October 7, 2020, the Court issued an order dismissing Frye’s complaint and granting leave to file an amended complaint. (ECF No. 6.) Frye was warned that if he failed to file an amended complaint within twenty-one days, the Court would dismiss the case, assess a strike pursuant to 28 U.S.C. § 1915(g), and enter judgment. (*Id.* at PageID 21.)

Frye has not filed an amended complaint, and the time within which to do so has expired. Therefore, this case is **DISMISSED WITH PREJUDICE** in its entirety, and judgment will be entered in accordance with the October 7, 2020 order dismissing the complaint for failure to state a claim on which relief may be granted. Frye is assessed his first strike under 28 U.S.C. § 1915(g).

This strike shall take effect when judgment is entered. *See Coleman v. Tollefson*, 135 S. Ct. 1759, 1763-64 (2015).

It is **CERTIFIED**, pursuant to 28 U.S.C. § 1915(a)(3) and Federal Rule of Appellate Procedure 24(a), that any appeal in this matter by Frye would not be taken in good faith. If Frye nevertheless files a notice of appeal and wishes to pay the \$505 appellate filing fee using the installment procedures of the Prison Litigation Reform Act, 28 U.S.C. §§ 1915(a)-(b), he also must submit a new *in forma pauperis* affidavit and a current copy of his inmate trust account statement for the last six months.

The Clerk is directed to prepare a judgment.

IT IS SO ORDERED, this 2nd day of November, 2020.

s/John T. Fowlkes, Jr.
JOHN T. FOWLKES, JR.
UNITED STATES DISTRICT JUDGE